

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

CHERE LAVON NEWBERNE,

Plaintiff,

v.

CAROLYN W. COLVIN, Commissioner,

Defendant.

Civil Action 7:12-CV-80 (HL)

ORDER

This case is before the Court on Plaintiff's Motion for Attorney's Fees under the Social Security Act (Doc. 19). The Commissioner has not filed a response to the motion, which means the motion is unopposed.

Plaintiff seeks an attorney's fee award under 42 U.S.C. § 406(b)(1) in the amount of \$13,630.23. Plaintiff's counsel acknowledges that he will be required to refund to Plaintiff previously awarded fees under the Equal Access to Justice Act ("EAJA") in the amount of \$4,425.54.

The Motion for Attorney's Fees is granted. Plaintiff shall receive \$13,630.23 in attorney's fees to be paid out of Plaintiff's past-due benefits award. Assuming Plaintiff paid the previously awarded EAJA fees in the amount of \$4,425.54 to counsel, counsel is directed to refund that amount to Plaintiff.

SO ORDERED, this the 19th day of February, 2014.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

mbh